

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JHONATHAN A. FRYE,

Plaintiff,

v.

ANGELA GREDLER, et al.,

Defendants.

Case No.: 1:23-cv-00386-JLT-SKO (PC)

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DISMISS ACTION
WITHOUT PREJUDICE FOR PLAINTIFF'S
FAILURE TO OBEY COURT ORDERS AND
FAILURE TO PROSECUTE**

(Doc. 10)

Jhonathan A. Frye seeks to hold defendants liable for violations of his civil rights pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On October 11, 2023, the assigned magistrate judge issued findings and recommendations to dismiss this action for Plaintiff's failure to obey court orders and failure to prosecute. (Doc. 10.) Specifically, the assigned magistrate judge found Plaintiff failed to file an amended complaint or a notice of voluntary dismissal following screening. (*Id.* at 2-4.) The magistrate judge provided Plaintiff 14 days within which to file any objections to the findings and recommendations. (*Id.* at 4.) Plaintiff was also advised that the "failure to file objections within the specified time may result in waiver of rights on appeal." (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014); *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991).) No objections have been filed, and the time to do so has expired.

Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court conducted a de novo review of this case. Having carefully reviewed the matter, the Court concludes the Findings and Recommendations to be supported by the record and proper analysis. Accordingly, the Court **ORDERS**:

1. The Findings and Recommendations issued on October 11, 2023 (Doc. 10) are **ADOPTED** in full.
2. This action is **DISMISSED** without prejudice for Plaintiff's failure to obey court orders and failure to prosecute.
3. The Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

Dated: **October 30, 2023**


UNITED STATES DISTRICT JUDGE